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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12

13  
14 **STATE OF CALIFORNIA, STATE OF**  
**COLORADO, STATE OF DELAWARE,**  
15 **COMMONWEALTH OF**  
**MASSACHUSETTS, STATE OF NEW**  
16 **JERSEY, STATE OF NEW MEXICO,**  
**STATE OF NEW YORK, STATE OF**  
17 **OREGON, STATE OF RHODE ISLAND,**  
18 **STATE OF VERMONT, and STATE OF**  
**WASHINGTON,**

19 Plaintiffs,

20 v.

21 **UNITED STATES OF AMERICA, U.S.**  
22 **ENVIRONMENTAL PROTECTION**  
23 **AGENCY, LEE ZELDIN**, in his official  
capacity as Administrator of the U.S.  
Environmental Protection Agency, and  
24 **DONALD J. TRUMP**, in his official capacity  
as President of the United States,  
25

26 Defendants.  
27  
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Case No. 4:25-cv-04966-HSG

**PLAINTIFFS' OPPOSITION TO U.S.**  
**HOUSE OF REPRESENTATIVE'S**  
**MOTION FOR LEAVE TO FILE BRIEF**  
**AS AMICUS CURIAE IN SUPPORT OF**  
**DEFENDANTS' MOTION TO DISMISS**

Date: Nov. 20, 2025  
Time: 2:00 p.m.  
Judge: Hon. Haywood S. Gilliam, Jr.

Action filed: June 12, 2025

1 Plaintiffs State of California et al. (“Plaintiff States”) respectfully submit this opposition to  
 2 Proposed Amicus Curiae United States House of Representatives’ (“Amicus”) Motion for Leave  
 3 to File Brief as Amicus Curiae In Support of Defendants’ Motion to Dismiss filed on September  
 4 26, 2025 (“Motion”). ECF No. 138.

5 In its Motion, Amicus seeks leave of this Court to file a brief supporting the pending  
 6 motion to dismiss filed by Defendants United States et al. on September 19, 2025 (ECF No. 118).  
 7 ECF No. 138. However, Plaintiff States have notified the Court and parties of their intention to  
 8 file an amended complaint as of right under Federal Rule of Civil Procedure 15(a)(1)(B). ECF  
 9 No. 151. The amended complaint will supersede the original complaint and therefore render the  
 10 pending motion to dismiss moot. *Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th  
 11 Cir. 2015); *Reckstin Fam. Tr. v. C3.ai, Inc.*, No. 22-CV-01413-HSG, 2025 WL 490470, at \*1  
 12 (N.D. Cal. Feb. 13, 2025); *see* ECF No. 151. Because the underlying motion to dismiss that  
 13 Amicus seeks to support is moot, so is Amicus’s request and it should be denied without a  
 14 hearing.

15 For these reasons, Plaintiff States oppose Amicus’s Motion.

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 17 Dated: October 10, 2025

Respectfully submitted,

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21 /s/ M. Elaine Meckenstock  
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 26  
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Pursuant to Local Rule 5-1(i), I attest that all signatories to this document concurred in its filing.

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